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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,444	06/24/2003	Michael D. Oldham	100200681-1	9424

7590 05/15/2008  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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ADDY, THJUAN KNOWLIN

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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05/15/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/602,444	<b>Applicant(s)</b> OLDHAM ET AL.	
	<b>Examiner</b> THJUAN K. ADDY	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on February 28, 2008 has been entered. No claims have been amended. No claims have been cancelled. No claims have been added. Claims 1-20 are still pending in this application, with claims 1, 6, 8, and 15 being independent.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/28/2008 has been entered.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Vortman et al. (US Patent Application, Pub. No.: US 2003/0002479 A1).
4. In regards to claims 1 and 15, Vortman discloses a method and apparatus of routing voice communications (See pg. 1, paragraph [0007]), comprising: establishing a first path between a remote originating node (See Fig. 2 and customer phone 22) and a gateway (See Fig. 2 and IVR/gateway server 42) using a first channel of a circuit-switched network (See Fig. 2 and PSTN 24), wherein the gateway is communicatively coupled to the circuit-switched network and a packet-switched network (See Fig. 2 and IP Network 32); and establishing a second path between an answering node (See Fig. 2 and remote agent telephone 50) and the gateway using a second channel of the circuit-switched network if the answering node is remote relative to the gateway, wherein the first and second paths collectively form a bi-directional communication path (See pg. 3, paragraph [0048]; pg. 4, paragraph [0051]; and pg. 4, paragraph [0054]).
5. In regards to claims 2 and 9, Vortman discloses the method and apparatus, further comprising: establishing the second path between the answering node and the

gateway using the packet-switched network, if the answering node is local relative to the packet-switched network (See pg. 2-3, paragraph [0027] and pg. 4, paragraph [0056]).

6. In regards to claim 3, Vortman discloses the method, further comprising: communicating voice data between the first and second nodes through the gateway (e.g., IVR/gateway server/VoIP gateway<sup>42</sup>) (See pg. 4, paragraph [0054]).

7. In regards to claims 4 and 8, Vortman discloses the method and apparatus, wherein the gateway performs the following steps: converting first circuit-switched voice data received from the circuit-switched network into packet-switched voice data; converting packet-switched voice data into second circuit-switched voice data for any packet designating a remote destination node; and routing the second circuit-switched data to the remote destination node across the circuit-switched network (See pg. 5, paragraph [0074] – [0075] and pg. 5, paragraph [0079]).

8. In regards to claim 5, Vortman discloses the method, wherein at least one of the originating and answering nodes is circuit-switched subscriber equipment (See Fig. 2, customer phone 22, and remote agent telephone 50) comprising a selected one of a telephone, modem, and facsimile apparatus (See Fig. 2).

9. In regards to claim 6, Vortman discloses a method of routing voice communications between first and second nodes of a communication system, comprising: converting first circuit-switched voice data received from a remote first node on a first channel of a circuit-switched network to packet-switched voice data (See pg. 5, paragraph [0074] – [0075] and pg. 5, paragraph [0079]); and routing the packet-

switched voice data to the second node, only if the second node is local to the packet-switched network (See pg. 2-3, paragraph [0027] and pg. 4, paragraph [0056]).

10. In regards to claim 7, Vortman discloses the method, further comprising: converting the packet-switched voice data to second circuit-switched voice data; and routing the second circuit-switched voice data to the second node, if the second node is remote from the packet-switched network (See pg. 5, paragraph [0074] – [0075] and pg. 5, paragraph [0079]).

11. In regards to claim 9, Vortman discloses the apparatus, wherein the packet-switched voice data is routed to a local second node using a packet-switched network for any packet designating the local second node (See pg. 2-3, paragraph [0027] and pg. 4, paragraph [0056]).

12. In regards to claims 10 and 16, Vortman discloses the apparatus, wherein at least one of the first (See Fig. 2 and customer phone 22) and second (See Fig. 2 and remote agent telephone 50) nodes is communicatively coupled to the gateway (See Fig. 2 and IVR/gateway server 42) through both the circuit-switched network (See Fig. 2 and PSTN 24) and the packet-switched network (See Fig. 2 and IP Network 32) (See Fig. 2).

13. In regards to claims 11 and 17, Vortman discloses the apparatus, wherein the first channel carries analog data on an analog subscriber line (See pg. 5, paragraph [0074]).

14. In regards to claims 12 and 18, Vortman discloses the apparatus, wherein the first channel carries digital data on a digital subscriber line (See pg. 5, paragraph [0074]).

15. In regards to claims 13 and 19, Vortman discloses the apparatus, wherein the digital subscriber line is time division multiplexed (See pg. 5, paragraph [0074]).

16. In regards to claims 14 and 20, Vortman discloses the apparatus, wherein the first channel defines a connection between the gateway (See Fig. 2 and IVR/gateway server 42) and subscriber equipment (See Fig. 2 and customer phone 22) of the first node, wherein the subscriber equipment is a selected one of a modem, telephone, and facsimile apparatus (See Fig. 2).

### ***Response to Arguments***

17. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sonesh et al. (US 6,614,783) teach a multimedia telecommunication automatic call distribution system using Internet/PSTN call routing. Hollatz et al. (US 6,678,266) teach an ACD with packet data based agent interconnect. Kikinis et al. (US 5,960,073) teach a method and apparatus for providing an interactive home agent with access to call center functionality and resources.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/  
Primary Examiner, Art Unit 2614